

Minutes of the Planning Commission meeting held on Thursday, July 2, 2009 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present:        Jeff Evans, Chair  
                  Jim Harland, Vice-Chair  
                  Karen Daniels  
                  Sheri Van Bibber  
                  Tim Tingey, Community & Economic Development Director  
                  Ray Christensen, Senior Planner  
                  G.L. Critchfield, Deputy City Attorney  
                  Citizens

Excused:       Kurtis Aoki  
                  Ray Black  
                  Tim Taylor

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jeff Evans opened the meeting and welcomed those present.

#### APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes from June 18, 2009. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously, 4-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

#### APPROVAL OF FINDINGS OF FACT

Jim Harland made a motion to approve the Findings of Fact related to a Conditional Use Permit for a shave ice/coffee sales stand at 223 West Winchester Street, and for a Conditional Use Permit for an electronic message sign located at 4640 South 900 East. Seconded by Sheri Van Bibber.

A voice vote was made. The Findings of Fact was approved unanimously, 4-0.

#### AIRE FLO HEATING & A.C. – 4555 South Commerce Drive #A100, Project #09-43

Guy Hemmert, 1395 West Misty Hollow, West Jordan, was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an HVAC contractor use. The property is located within the M-G-C zone and is on Commerce Drive just south of the realigned intersection with 4500 South. This zone does allow for contract construction service uses. The business will be located in an existing building. Parking for the business will be located on the north side of the building, and there is sufficient parking available. The property is accessed

from a City owned property to the north, and staff is recommending that an agreement be entered into allowing access for parking and for ingress and egress from the site. Staff is recommending approval of the Conditional Use Permit.

Guy Hemmert confirmed that he has received a copy of the staff report and has reviewed the conditions. He stated that the property owners will be taking care of the parking lot striping, and he will comply with the other conditions. Mr. Hemmert asked about condition #2 in reference to a counter. Jim Harland replied that this refers to a service counter for customers. Jeff Evans stated that the counter design needs to be accessible for handicapped individuals. Tim Tingey stated that there are building code requirements for accessibility, and the City Building Department will assist in determining those requirements.

Gary Stevens, 2391 East 3225 South, Salt Lake City, is one of the property owners. He asked about the requirements for the trash container being screened, specifically if it needs to be solid. Jeff Evans stated that fencing is allowed, as long as it's screened.

Gary Stevens had questions about a document that is going to the Attorney's Office regarding access through City property. Mr. Stevens asked if there will be a City maintained access road. Tim Tingey stated that this property was originally part of a subdivision and the City took possession of it. The City has some easements in that area and some water and sewer lines. Mr. Tingey stated that the property has been used as an access for quite a long time, and the purpose of the agreement is to grant formal permission to use the access and provide clarification regarding what is allowed on the property. The City wants to maintain control of how the property is utilized.

Karen Daniels asked about the number of parking stalls related to the number of employees. Mr. Hemmert replied that there are generally only two employees in the office at all times.

There were no public comments related to this item.

Karen Daniels made a motion to approve a Conditional Use Permit for Aire Flo Heating & A.C. located at 4555 South Commerce Drive, Unit A100, subject to conditions:

1. The project shall meet all applicable building code standards. The approval of the building department is subject to approval of a business license inspection.
2. The new counter will need to meet accessibility requirements.
3. The project shall meet all current fire codes.
4. The trash container (dumpster) on the property shall be screened as required by Section 17.76.170.
5. Parking on the site shall be restriped prior to approval of a business license.
6. The property owner shall enter into an agreement with Murray City for access over the property to the north.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Ms. Daniels  
A Mr. Evans  
A Mr. Harland  
A Ms. Van Bibber

Motion passed, 4-0.

CENTER COURT TOWNHOMES – 4916 S. Center Street, Units 1-12, Project #09-44

Brent Winget was the applicant present to represent this request. Ray Christensen reviewed the location and the request for Conditional Use Permit approval to amend the Center Court Townhomes P.U.D. in order to adjust the main floor plan and elevations on each of the units at the property. The property is located in the C-D-C zone within the D.H.O.D. overlay district and is on the southwest corner of Center Street and Court Avenue. The applicant is proposing to increase the area on the main level of each unit by approximately 20 square feet, and the wall will be cantilevered out approximately 1.5 feet on each unit but will not extend beyond the roofline. The Downtown Historic Committee approved a Certificate of Appropriateness at the time the original P.U.D. was approved. The purpose of increasing unit square footage is to increase sales value. The Murray City Community & Economic Development Director has approved the Certificate of Appropriateness in the D.H.O.D. for the minor changes to the floor plan and elevations. Staff is recommending approval.

Brent Winget, 395 Holstein, stated that to make the units more marketable they need more space in the kitchen and dining room areas. He confirmed that he has received a copy of the staff report, and asked about the condition requiring screening of trash containers. Each unit has a garbage can that is rolled out to the street. Mr. Evans stated that the condition wouldn't apply in this circumstance, that it would only apply if there was a community dumpster on the site.

Karen Daniels asked what time frame Mr. Winget had in mind to have the project completed. Mr. Winget responded that they are waiting for presales, and with the current economy there has been some issues with securing a loan. He is currently working with a new bank and hopes to have something secured by the end of the month in order to get started before the end of the upcoming building season.

Sheri Van Bibber asked about the costs. Mr. Winget stated that the project has been bid out and he knows the building costs. The price of the units has come down to \$210,000 to \$220,000, which is more affordable and more likely to sell.

Karen Daniels asked how many bedrooms are in each unit. Mr. Winget responded that there are two bedrooms on the upper level, and there is a plan available that would provide an option for three bedrooms.

Gary Smith, 208 Elm Street, was present with his spouse, Christy Smith. They own a home on 4933 Center Street, where their son lives, in addition to their own home around the corner on Elm Street. Mr. Smith has concerns about the parking conditions, and stated that there is no parking on Elm Street, although when he walked down the street tonight there were some cars parked there. Elm Street is a narrow street. Mrs. Smith stated that there is an 8-plex on the corner of Vine Street and Center, which doesn't have adequate parking. Those residents end up parking in front of 4933 Center Street, which has resulted in a very narrow roadway. Mr. Smith stated that he doesn't want to see cars park around the corner on Elm Street, which is a short street with only a few houses.

Brent Winget stated that he understands Mr. and Mrs. Smith's concerns about parking. The development is planned with two parking spots per unit, plus four extra spots within the complex. He stated that there will always be growth concerns, and he feels that these have been addressed in the plans. Mr. Winget stated that the parking is not the issue at this meeting, that tonight the issue relates to adding square footage to the units. Gary Smith responded that to have two parking spots per unit helps alleviate his concern. Sheri Van Bibber stated that the parking meets City Ordinances. Jim Harland stated that the applicant was correct in stating that the parking plan has been previously approved, and is not an issue at the current time.

Gary Smith stated that there will still be too much traffic on Elm Street. Sheri Van Bibber stated that as growth occurs this type of concern has been common and that the Commission has learned to be cautious on these issues. Mr. Smith stated that he was unaware of a prior meeting relating to parking.

Jim Harland made a motion to approve an amended P.U.D. plat for the Center Court Townhomes, located at 4916 South Center Street, Units 1-12, subject to conditions:

1. Comply with the Conditional Use Permit approval granted by the Commission on February 7, 2009 for Center Court P.U.D.
2. The project shall meet all Murray Building, Fire, Power, Water and Sewer Department requirements.
3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
4. Trash containers shall be screened as required by Section 17.76.170.
5. Meet the plat requirements and approval of the City Engineer for recording the plat.
6. Certificate of Appropriateness approval subject to compliance to plans and permits approved.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A Ms. Daniels

A Mr. Evans

A Ms. Van Bibber

A Mr. Harland

Motion passed, 4-0.

DISCOVERY COVE – 5923 S. Ragsdale Drive, Project #09-45

David Wilding was the applicant present to represent this request. Ray Christensen reviewed the location and request to combine two lots, #14 and #15, into one lot, #14A. The properties are located at 5923 and 5913 South Ragsdale Lane and are in the R-1-8 zone. In order to combine the lots, there has to be Conditional Use Permit approval to amend the Discovery Cove P.U.D. The Planning Commission granted final approval for the Discovery Cove P.U.D. on December 7, 2006. The City departments have reviewed the location, and there are no utilities within the easement between the two lots. Staff is recommending approval of the amendment to Discovery Cove P.U.D.

David Wilding of Wilding Engineering, 2295 South Pheasant Way, Bountiful, stated that he has received a copy of the staff report and is aware of the conditions. Karen Daniels asked if there is a buyer for this particular lot. Mr. Wilding responded that there is.

There were no public comments related to this item.

Sheri Van Bibber made a motion to approve an amended P.U.D. project for Discovery Cove P.U.D. located at 5913 and 5923 South Ragsdale Drive, subject to conditions:

1. Comply with the Conditional Use Permit approval granted by the commission on December 7, 2006 for the Discovery Cove P.U.D. The Conditional Use Permit is located in the file.
2. A formal landscaping plan for the new lot 14A, meeting the requirements of Chapter 17.68 of the Murray Municipal Code, shall be submitted with the building permit and be approved by the Murray City Forester and installed as approved prior to occupancy.
3. Meet the subdivision ordinance regulations for utility easements. The Murray City engineer noted he will need verification that the easement between the existing lots hasn't been used for utilities.

Seconded by Jim Harland.

Call vote recorded by Ray Christensen.

A Ms. Daniels

A Ms. Van Bibber

A Mr. Evans

A Mr. Harland

Motion passed, 4-0.

LAND USE ORDINANCE AMENDMENT – Site Plan Review Ordinance, Project #09-40

Tim Tingey explained that the purpose of drafting this section of the Site Plan Review Ordinance is to help the City be in line with the guidelines of the Land Use, Development, and Management Act of the State, which wants communities to promote more of a streamlined process for development. This addition will also help clarify the process of Site Plan, which will enhance consistency in the evaluation of proposals. The changes pertain to uses that are permitted outright in an area. Conditional Use Permits will still go to the Planning Commission. Staff is requesting that the Commission send a positive recommendation to the City Council for this addition to the Ordinance.

Karen Daniels made a motion to send a positive recommendation to City Council for the requested amendment to the zoning ordinance, adding Chapter 17.54, titled Site Plan Review, and deleting Sections 17.156.070 and 17.160.070.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A Ms. Daniels  
A Ms. Van Bibber  
A Mr. Evans  
A Mr. Harland

Motion passed, 4-0.

OTHER BUSINESS

Mr. Harland stated that he agreed with Ms. Van Bibber's previous comment that it was nice to have the building owners present regarding the Aire Flo agenda item. It was very helpful to have them available to answer questions.

Meeting adjourned.

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B. Tim Tingey  
Director of Community & Economic Development